

Report of the committee on Private Land Claims on the Petition of James Taylor was read, and,

On motion of Mr. Wallace, report laid on the table, and petition referred to the Judiciary committee.

A bill to be entitled an act to establish and incorporate the Rutersville College; read first time.

On motion of Mr. Pease, the rule requiring bills to be read on three several days, was suspended; bill read second time, and referred to the committee on Education.

A bill to be entitled an act to extend the Eastern boundary of the State of Texas so as to include within its limits the Western half of Sabine Pass, Lake and River up to 32° North latitude; read first time.

A bill to be entitled an act appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature; read first time.

On motion of Mr. Gage, the Senate adjourned.

THURSDAY, 10 o'clock, A. M., Nov. 15, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Burleson, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Phillips, Portis, Robertson, Taylor, Tuit, Van Derlip, Ward, Walker and Wallace. The Journals of the preceding day were read and adopted.

Mr. Portis, chairman of the committee on Education, to whom was referred a bill to amend an act to establish and incorporate the Rutersville College, approved Feb. 5, 1840, reported the same back to the Senate and recommended its passage.

Mr. Phillips, chairman of the Judiciary committee, to whom was referred a bill to provide for the payment of Jurors, reported a substitute for the same and recommended its adoption.

Mr. Phillips, from the same committee, to whom was referred a bill to authorize and empower all State, District and County officers to perform the duties of their respective offices until their successors shall be elected and qualified, recommended the passage of the bill, with the following amendment: strike out the words "due course of law," in fifth line, section 1, and insert the word "otherwise."

Mr. Phillips from same committee, made the following report:  
COMMITTEE ROOM, Nov. 14, 1849.

HON. JNO. A. GREER,

*President of the Senate:*

The committee on the Judiciary, to whom was referred the proposed amendment to the Constitution, with a request to inquire what offices would become vacant by its adoption, and also to suggest the most practicable plan to meet such a contingency, respectfully submit the following report:

Exhibit marked A, shows the respective dates of the appointment of the Judges of the Supreme Court, the Judges of the District Courts, the Attorney General, the Comptroller and Treasurer, Commissioner of the General Land Office, and the time of the election of the several District Attorneys.

The bill now before the Senate authorizing all State and County officers to exercise the duties of their respective offices, until their successors are duly elected and qualified, will carry out, it is believed, by your committee, the 23d section of the 7th article of the Constitution, and amply provide for any contingent vacancy that may occur prior to the election by the people, of the officers named in the proposed amendment of the Constitution.

With regard to this amendment, it would seem that no return of the vote on the question of its adoption, have been made from the counties of Gillespie, Grayson, La Vaen and Santa Fé. Exclusive of these, as also of the *informal returns* from Bexar, Cherokee, Montgomery, Nacogdoches, Nueces, Smith, Tyler, Walker, Webb and Williamson, the majority in favor of the amendment is 9234. *Including the informal returns*, the majority in favor of the amendment is 10,781. In either case, the vote is a strong expression of public opinion, and imposes on us the duty of presenting the proposed amendment to the Legislature at its present session, for their final action. The vote of two thirds of the members of each House, is now only necessary to make it a valid part of our organic law. And although some differences of opinion have heretofore existed as to the policy of such a measure, it can scarcely be deemed an experiment. We have before us the examples of the States of Mississippi and New York, where it has given, it is believed, entire satisfaction. In the latter state, many apprehensions were entertained, but the very first election held under their new Constitution, proved that these apprehensions were without foundation. The opposers of this novel reform as it was called by them, have entirely underrated the good sense and intelligence of the people. They had calculated that the masses would be governed in their vote on

this question, much in the same manner as they often are on questions of party politics. But they were mistaken. The candidates nominated were men of high character and standing in the profession, and the keenest lawyers in the opposition could assign no error in the decision of the people. Such being the result in that old State, where the ancient system of appointments had obtained from the earliest organization of the Government, till the year '45 or '46, Texas has nothing to fear. For general intelligence, sober thought and practical good sense, her population can compare favorable with any State in the Union. And when that intelligence, thought and sense is brought to bear on a question involving their lives, their personal rights and pecuniary interests, we have no doubt their judgment will be approved and give general satisfaction. Your committee therefore report the proposed amendment back to the Senate and recommend it to their favorable consideration.

A. H. PHILLIPS,  
Chairman.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill to establish the per diem pay of the electors of President and Vice President of the United States, reported the same back to the Senate and recommended that the second section be stricken from the bill.

Mr. McRae, chairman of the committee on Printing and Contingent Expenses, to whom was referred the resolution authorizing them to contract for the South Western American, reported that they had contracted for the number specified in the resolution, at the rate of three cents per paper.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a bill for the relief of Frederick Scanton, reported the same back to the Senate and asked that it be referred to the committee on the Judiciary.

Mr. Latimer chairman of the same committee, to whom was referred a bill for the relief of the citizens of Mercer's colony reported the same back with amendments.

Mr. Pease, from the Select committee appointed to report joint rules for the government of the two Houses of the Legislature, made a report; which was read and placed among the orders of the day.

Mr. Wallace presented an informal petition of Milton Irish, administrator of John W. Wentworth, deceased, with accompanying documents, praying for relief; which were,

On motion of Mr. Wallace, referred to the committee on Private Land Claims, without reading.

Mr. Robertson introduced a bill to be entitled an act to amend the 9th section of an act authorizing and requiring the county courts to regulate roads, appoint overseers, &c.; read first time.

Mr. Wallace introduced a bill to repeal the 3d section of the act to regulate license and practice of attorneys, approved May 12, 1846; read first time.

Mr. Wallace introduced a bill to define the time at which the acts of the Legislature shall take effect; read first time.

Mr. Pease introduced a bill for ceding to the United States jurisdiction of certain land in this State for public purposes; read first time.

Report of the Finance committee on Joint Resolution granting further time for the payment of government dues and the return of field notes, offering the following amendment: Section 1, in line 7, after the word "law," insert "and the Treasury notes of the Republic of Texas be receivable in payment of land patents and the government dues on land as heretofore." Read and adopted.

Mr. Grimes moved to amend the joint resolution by adding to the end of the 1st section the following: And *provided further*, that gold and silver be received for the payment of government dues on land and land patents at the rate of one dollar in gold or silver to five in the Treasury notes of the Government of the Republic of Texas. Adopted.

Mr. Robertson moved to re-refer the resolution to the committee on Finance, with instructions to report what shall be the government dues on land in specie; lost.

The bill was then ordered to be engrossed.

Bill to extend the Eastern boundary of the State of Texas so as to include within its limits the Western half of Sabine Pass Lake and River up to 32° North latitude; read second time, and on motion of Mr. McRae, referred to the Judiciary committee.

Bill appropriating five thousand dollars for the contingent expenses of both Houses of the Legislature; read second time; and on motion of Mr. Grimes referred to the committee on Finance.

A message was received from the House of Representatives through their Chief Clerk, informing the Senate that the House had passed a bill to provide an appropriation for the payment of the mileage and per diem pay of the members of the Legislature of the State of Texas.

A bill to locate the seat of Justice of Dallas county; read second time and ordered to be engrossed.

Bill for the relief of John Jackson of Dallas county; read second time and ordered to be engrossed.

Bill to regulate motions for costs in civil actions; read second time, and on motion of Mr. Wallace, referred to the Judiciary committee.

Bill to authorize and require the Judges of the District Courts to hold special sessions thereof in certain cases; read second time, and on motion of Mr. Wallace, referred to the Judiciary committee.

Bill to amend an act to establish and incorporate the Rutersville College, approved Feb. 5, 1840; read and passed to its third reading.

Report of the committee on Public Lands on a bill for the relief of the citizens of Mercer's colony was read as follows:

The committee on Public Lands to whom was referred "a bill to be entitled an act for the relief of the citizens of Mercer's Colony," have had the same under consideration, and have instructed me to report the bill back to the Senate with the following amendments, and recommend their adoption and the passage of the bill:

Amendment 1st—Strike out the second section and insert in lieu thereof the following: That the Governor shall appoint a Commissioner, whose duty it shall be to hear proof and determine what colonists shall be entitled to land as aforesaid; and said Commissioner shall issue to the parties entitled to the same, or to the heirs or legal representatives of such parties, certificates for their proper quantity of land.

Amendment 2nd—Strike out the second and third lines of the 4th section the following "of the public domain of the State," and insert in lieu thereof "vacant land within the limits of said colony."

Amendment 3d—Strike out 5th section and insert the following: That no change shall be made in the boundaries of the surveys of settlers, whether they be with or without the consent of the contractors, so that the boundaries thereof are justly and definitely marked.

Amendment 4th—Strike out 7th section and insert the following: That the Commissioner appointed in compliance with this act shall receive two dollars for each certificate issued, to be paid by the party receiving the same, and said commissioner shall do and transact the business and duties required of him at the different county seats of each and every county within the lines of said colony.

Amendment 5th—Strike out 11th section and insert the following: That it shall be the duty of the Commissioner appointed by virtue of this act, to send to the Commissioner of the Gen-

eral Land Office, a monthly list under oath, containing a description of certificates issued in compliance with this act; and he shall also keep a record in a well bound book, shewing the quantity of land for which each certificate issued, the names of the parties obtaining the same and the names of the witnesses who made the proof; and said Commissioner shall deposit said record book in the General Land Office at the expiration of the time limited in this act for granting certificates.

Amendment 6th—Strike out 12th section and insert the following: That the Commissioner appointed by virtue of this act, before he enters upon the duties of his office shall give bond in the sum of twenty thousand dollars with security, to be approved by the District Judge of the Judicial District, which bond shall be drawn in favor of the Governor of the State and his successors in office, and shall be conditioned, that the Commissioner shall faithfully and impartially discharge the duties imposed on him by this act, and shall also take an affidavit faithfully and impartially to discharge the duties which this act imposes on him, to the best of his skill and ability, which affidavit shall be endorsed on the said bond, and with the same shall be deposited in the office of the Secretary of State.

The yeas and nays being called on the adoption of the first amendment proposed by the committee, stood thus:

Yea: Messrs. Burleson, Grimes, Hart, Latimer, McRae, Moffet Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—15.

Nay: Messrs. Brashear, Gage and Walker—3. Amendment adopted.

On motion of Mr. Phillips, the report and bill were laid on the table until Monday, the 19th inst.

On motion of Mr. McRae, the Senate adjourned.

FRIDAY, 10 o'clock, A. M., November 16, 1849.

The Senate was called to order by the President. Senators present:—Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Robertson, Van Derlip, Ward, and Walker; quorum present. The journal of the preceding day was read and adopted. A message was received from the House of Representatives,